IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE FOURTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 15080 of 2004

Between:

Vaddepally Bhoomaiah, S/o Lingam,
R/o H.No. 2-2-112, Weekly Bazaar, Yawar Road, Jagtial Proper & Mandal, District Karimnagar.

..... PETITIONER

AND

The Sub Inspector of Police, Police Station Jagtial Town,
Jagtial Proper & Mandal, District Karimnagar.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order or direction more particularly one in the nature of writ of mandamus or any other appropriate writ or direction directing the Respondent to take appropriate action on the complaint filed by the petitioner on 19-7-2004 by receiving the same (which has not been received), to proceed according to law and to honour the decrees and orders of civil court for permanent injunction by providing necessary assistance to the petitioner.

Counsel for the Petitioner:MR.M.A.BARI

Counsel for the Respondent: GP FOR HOME

The Court at the stage of admission made the following O R D E R:

The petitioner seeks a writ of Mandamus directing the respondent-Sub-Inspector of Police, Police Station Jagtial Town, Karimnagar District to take appropriate action on the complaint filed by the petitioner dated 19-07-2004 and to proceed according to law.

In the affidavit filed in support of the writ petition, it is stated that the petitioner is the absolute owner and possessor of plot situated at Bukkawada, Brahmin Street, Jagtial Mandal, Karimnagar District and that since one Vaddeypally Satyanarayana, who is no other than the son of his paternal uncle, tried to open a door into the plot belonging to him in the eastern wall of his house, he filed O.S.No.1162 of 1992 on the file of District Munsif, Jagtial seeking a decree for perpetual injunction. The said suit was decreed on 07-09-1993. Thereafter, since the said Satyanarayana started claiming the land beyond the separation wall, the petitioner filed a suit O.S.No.97 of 2004 on the file of Junior Civil Judge, Jagtial, seeking declaration of title, and pending the said suit, the learned Magistrate granted temporary injunction on 13-07-2004 in I.A. No.261 of 2004. It is alleged that in spite of the same he has been receiving the threatening calls from the said Satyanarayana and his brother, and therefore, on 19-07-2004, he went to the respondent to make a complaint, however the same was not received. It is also alleged that the respondent has scolded him and refused to receive the complaint. Hence, this writ petition.

The respondent filed a counter-affidavit stating that the petitioner had not approached him on 19-07-2004 for filing the alleged complaint. He gave a complaint only on 3-09-2004 after filing the present writ petition. After receipt of the same, an entry was made in the General Diary of the Police Station and enquiry was made into the complaint about the alleged threatening calls being received by the

petitioner from the said Satyanarayana. It is found that the disputes between the petitioner and the said Satyanarayana are purely civil in nature and seized by the competent civil Court. Since necessary enquiries have been caused into the complaint and as there is no direction from the civil Court to provide protection in any manner to the petitioner and on enquiry, the allegations are found to be false, no further action was taken.

In the light of the averments in the counter affidavit, I do not find any substance in the allegation of the petitioner as to the alleged inaction on the part of the respondent. Nothing has been placed before this Court to substantiate the plea that the complaint dated 19-07-2004 said to have been made by the petitioner was not accepted by the respondent. At any rate, since the subsequent complaint dated 03-09-2004 has already been accepted by the respondent, on the basis of which, necessary enquiries have been made, no adjudication deserves to be made in this writ petition on merits.

Accordingly, recording the statement of the respondent, the writ petition is disposed of. No costs.

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04-11-2004

kdl

To

1 The Sub Inspector of Police, Police Station Jagtial Town,
Jagtial Proper & Mandal, Karimnagar District.

2 Two C.Cs to the Government Pleader for Home, High Court of

A.P., Hyderabad (OUT)

3 Two C.D copies